

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:18-cr-00367-JPH-MJD
)	
CONNIE O'BRIEN,)	-01
)	
Defendant.)	

ORDER

Defendant's counsel filed Defendant's Motion for Release from Detention Based Upon the COVID-19 Pandemic (dkt. 101) ("Motion for Release"), supporting memorandum (dkt. 102), and supporting exhibits (dkt. 102-1) under seal but did not file a motion demonstrating good cause to maintain the documents under seal as required by Local Criminal Rule 49.1-2(d). On October 22, 2020, the Court entered an Order requiring Defendant's counsel to file the required motion to seal within 7 days. Dkt. 103. Alternatively, the Court allowed Defendant's counsel to withdraw the sealed documents and re-file them in the public record with appropriate redactions.

On October 28, 2020, Defendant's counsel re-filed the supporting memorandum in the public record. Dkt. 104. Thus, the Court considers the original supporting memorandum (dkt. 102) to be **withdrawn**. Counsel also filed a motion to seal, asking the Court to seal medical records that were submitted as Exhibit 2 to the supporting memorandum. Dkt. 105. Those medical records are in the record as pages 2 through 20 of Docket Number 102-1. Counsel does not ask that the other exhibits (pages 1 and 21 through 27 of Docket Number 102-1) be sealed and admits that they are appropriate for public access. Dkt. 105. Counsel has not asked the Court to seal the Motion for Release (dkt. 101) or re-filed it in the public record, leaving it under seal as of the writing of this Order.

The Court cannot seal individual pages of a single PDF. Thus, the Court cannot grant the motion to seal as currently formulated. Accordingly, the motion to seal, dkt. [105], is **denied without prejudice**. It appears that counsel wishes to file Exhibit 2 under seal. Thus, within 7 days of the date of this Order, counsel must: (1) withdraw Docket 102-1; (2) re-file Exhibit 2 under seal; (3) re-file the other exhibits in the public record; and (4) file a renewed motion to seal Exhibit 2. If counsel does so, the Court will deem Docket 102-1 to be withdrawn. In addition, within 7 days of the date of this Order, counsel must inform the Court whether he wishes the Motion for Release (dkt. 101) to remain under seal and, if so, why. If he fails to do so, the Court will unseal the motion.

SO ORDERED.

Date: 10/30/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

All Electronically Registered Counsel